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Joint Recommendation for Natura 2000 sites under CFP Article 11 (STECF-16-24)

Edited by Clara Ulrich and Hendrik Doerner

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Contact information

Name: STECF secretariat

Address: Unit D.02 Water and Marine Resources, Via Enrico Fermi 2749, 21027 Ispra VA, Italy

E-mail: stecf-secretariat@jrc.ec.europa.eu

Tel.: +39 0332 789343

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Abstract

Commission Decision of 25 February 2016 setting up a Scientific, Technical and Economic Committee for Fisheries, C(2016) 1084, OJ C 74, 26.2.2016, p. 4–10. The Commission may consult the group on any matter relating to marine and fisheries biology, fishing gear technology, fisheries economics, fisheries governance, ecosystem effects of fisheries, aquaculture or similar disciplines. This report deals with Joint Recommendation for Natura 2000 sites under CFP Article 11.

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SCIENTIFIC, TECHNICAL AND ECONOMIC COMMITTEE FOR FISHERIES (STECF)

Joint Recommendation for Natura 2000 sites under CFP Article 11 (STECF-16-24)

THIS REPORT WAS ISSUED BY WRITTEN PROCEDURE IN DECEMBER 2016

Background provided by the Commission

"In accordance with Article 11 of Regulation 1380/2013 Member States having direct management interest in certain areas or fisheries may submit joint recommendations for fisheries conservation measures to be adopted by the Commission that are necessary to comply with their environmental obligations.

The 2 following joint recommendations were submitted to the Commission:

Joint Recommendation-fisheries conservation measures in four Danish Natura 2000 sites

Joint Recommendation- protection of reef structures in three Danish Natura 2000 sites

Upon the receipt of the joint recommendation, it is necessary to evaluate their various elements on fisheries measures necessary for compliance with environmental obligations and to identify areas if and where additional supporting information may be required. In particular, it has to be assessed whether the measures in the joint recommendation are compatible with the requirements referred to in Article 11(1) of Regulation 1380/2013. This calls for the review of the supporting scientific information provided."

Background documents:

- *Joint recommendation*
- *Annex I: Proposal for fisheries conservation measures in four Danish Natura 2000 sites in the North Sea/ Kattegat*
- *Signed letters by the Danish, German and Swedish Fisheries Directors*
- *Joint Recommendation_ Danish proposal for fisheries conservation measure...*
- *Letter, signed by Mr Alois Bauer*

Background documents are accessible at: <https://stecf.jrc.ec.europa.eu/reports/plenary>

Request to the STECF – Terms of Reference

STECF is requested to:

1. Review whether the proposed conservation measures minimise the negative impacts of fishing activities on the marine ecosystem and ensure that fisheries activities avoid the degradation of the marine environment as stipulated under Article 2(3) of Regulation 1380/2013.
2. Review how the proposed measures contribute towards ensuring that the habitats of community interest addressed in the recommendation are maintained and restored at favourable conservation status inside the delineated areas as stipulated under Article 2 of Directive 92/43/EEC (and Article 1(2) of Directive 2008/56/EC).

3. Review whether/how the special areas of conservation set out in Article 6 of Directive 92/43/EEC referred to in the joint recommendation can be ensured without the proposed fisheries measures.

Background documents

1. 2013-2016 ICES advice on cod stocks in the Baltic Sea.
2. 2013-2016 ICES WGBFAS reports.
3. Baltfish Joint Recommendation ARES(2016)5863715 – 11/10/2016.

STECF observations

In accordance with Article 11 of Regulation 1380/2013, Denmark, jointly with other Baltic Member States, recommend fisheries management measures to the Commission, for adoption as a delegated act. The overall aim of the proposed measures is to ensure protection of reef structures in seven Danish Natura 2000 sites, and thereby to contribute to the obligation of achieving favourable conservation status of reef habitats (H1170 and H1180) under the Habitats Directive Article 6.

Four of the Natura 2000 sites concerned are located within the 12 nautical miles (nm) of Danish waters, two in the Kattegat and two in the Western Baltic; while three are outside 12 nm, two in the Kattegat and one in the Western Baltic. A range of the Baltic countries have fishing opportunities in the Danish part of the Western Baltic Sea (outside 12 nm): Sweden, Germany, and to some degree Estonia, Poland, Lithuania, Latvia and Finland. Sweden and Germany also have fishing rights inside 12 nm. Based on the information in the proposal it is not clear to what extent vessels from Estonia, Poland, Lithuania, Latvia and Finland are fishing in the three Natura 2000 sites concerned.

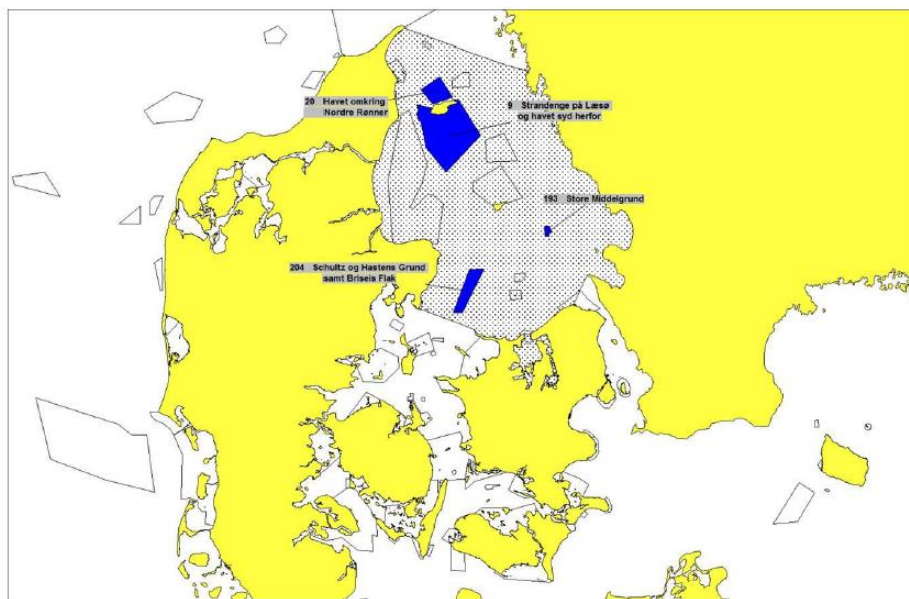


Figure 1. Map of marine Danish Natura 2000 sites (white areas). Blue areas indicate the location of the four Natura 2000 sites. Shaded area indicates the boundaries of the Kattegat.

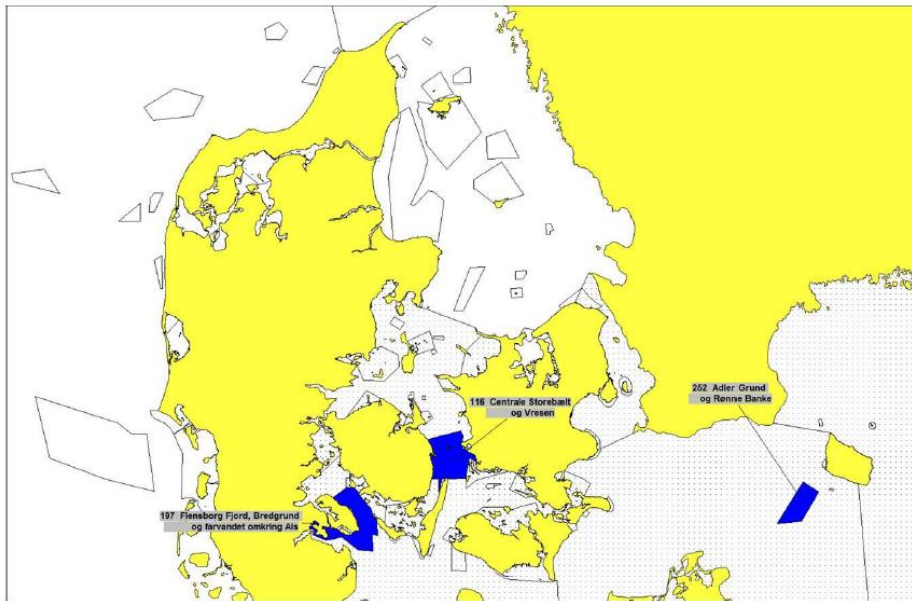


Figure 2. Map of marine Danish Natura 2000 sites (white areas). Blue areas indicate the location of the three Natura 2000 sites. Shaded area indicates the boundaries of the western Baltic Sea.

In these seven Natura 2000 sites, for areas mapped in the proposal, a ban is proposed for fishing activity using mobile bottom contacting gear, i.e. beam trawls, bottom otter trawls, Danish and Scottish seines, and dredges. In addition, for the three Natura 2000 sites of Kattegat where bubbling reef are present, the proposed ban extends to passive gears, including all types of nets, lines fishing, pots and traps, and pelagic trawls.

STECF (2015) has evaluated a similar joint recommendation for 10 Danish Natura 2000 sites, all located within the 12 nautical miles of Danish waters, three in the Kattegat and seven in the Western Baltic, in April 2015. The delegated act came into force on the 1 January 2016.

STECF notes that protected areas in the present joint recommendations include all the areas mapped as reefs (habitat code H1170) or bubbling reefs (habitat code H1180), as well as 240 meters wide buffer zone, which is equivalent to 6 times the average water depth, and follows the ICES guidelines (ICES Advice 2013, Book, 1.5.5.2. Special request). The rationale behind the buffer zone method is that reef structure in its full extent needs protection. Bubbling reefs are considered as especially fragile in terms of physical impact, therefore justifying additional protection from fishing activity with passive gears.

STECF considers that the proposal restrictions noted above will ensure adequate protection of these reef structures from direct impact from fishing activities, provided that there is full compliance.

STECF notes that the protected areas included in the proposal for Kattegat includes three small areas (between 24 and 53 km²) and one large area (206 km²) where all structured reefs are protected. In the western Baltic Sea, the proposal includes two small areas (53 and 73 km²) and one large area (Centrale Storebælt og Vresen with 120 km²), but where not all structured reefs are protected. In Centrale Storebælt og Vresen, although the majority the stone reefs present are protected (99%), several reefs are only partially protected, while others have no protection or have a truncated buffer zone. In these stone reefs, or in its close vicinity, there is a high concentration of fishing activity targeting primarily cod, flatfishes and sprat by Danish vessels (accounting for 3.5% of total Danish landings in the western Baltic Sea in 2015, 1.5% average 2011-2015). STECF further notes that, according to the joint recommendation submitted, *"two different mapping techniques with different resolution have been used to map the marine habitats. The area mapped with low resolution technique is not proposed closed for fishing since it cannot be documented for sure that reefs are present here"*. However, details of the two different mapping techniques are not given and no map is provided where that low resolution area is

located (although one assumes is the area delimited by the red line showing stone reefs within in Figure 3 below).

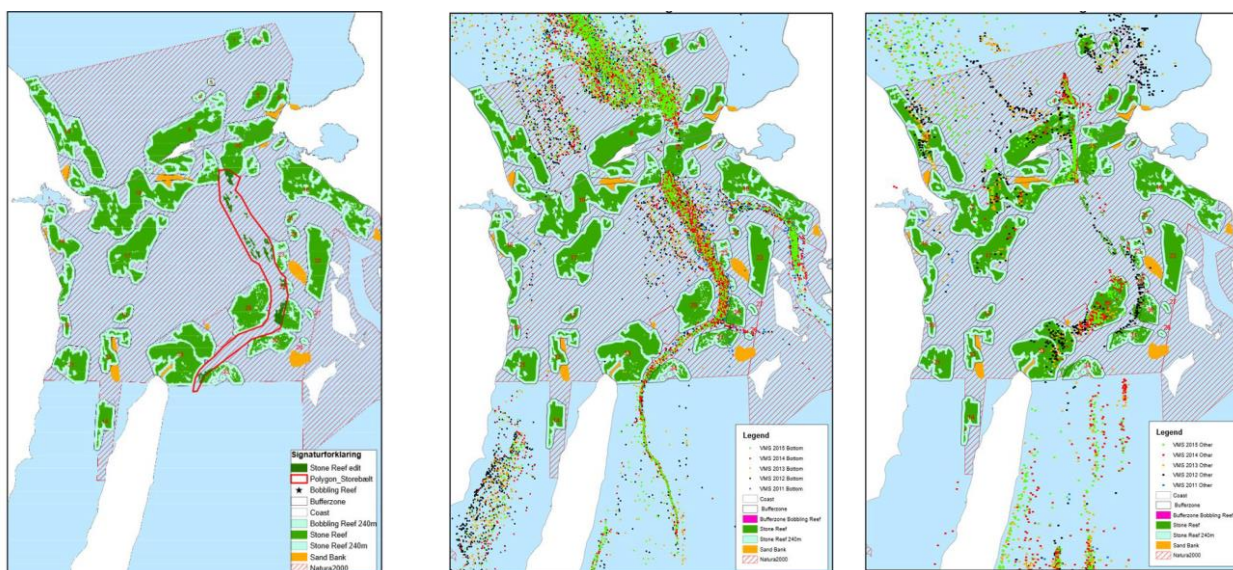


Figure 3. Maps of Centrale Storebælt og Vresen showing reef structures, proposed buffer zones and corridor in which fisheries activities will be allowed (red line, left) and VMS positions for Danish vessels above 12 meters showing fishing activities with bottom contacting gears (middle) and with other gear types (right).

The Danish part of the western Baltic Sea is an important fishing area for Denmark, Sweden and Germany, and to some extent also Poland; although the highest fishing effort is carried out by Denmark. Nevertheless, Danish, Swedish and German fishing activities within the seven Natura 2000 sites constitutes less than 0.2% and 1% of the total VMS effort in Kattegat and western Baltic Sea, respectively, with both bottom mobile gears and all gears combined. The fishing intensity has been estimated by combining logbook and VMS data for vessels above 12 meters. Since smaller fishing vessels below 12 meters do not carry VMS, their activity has only been partially included in the analyses. However, based on dialogue with the Danish Fishermen Association and general knowledge of fishing patterns also from Swedish vessels, the submitted reports specify that the fishing effort from these smaller vessels is estimated to be very low in two of the four Natura 2000 sites concerned. Regarding the other two sites in the Kattegat, Strandenge på Læsø og havet syd herfor and Havet omkring Nordre Rønner no information is given.

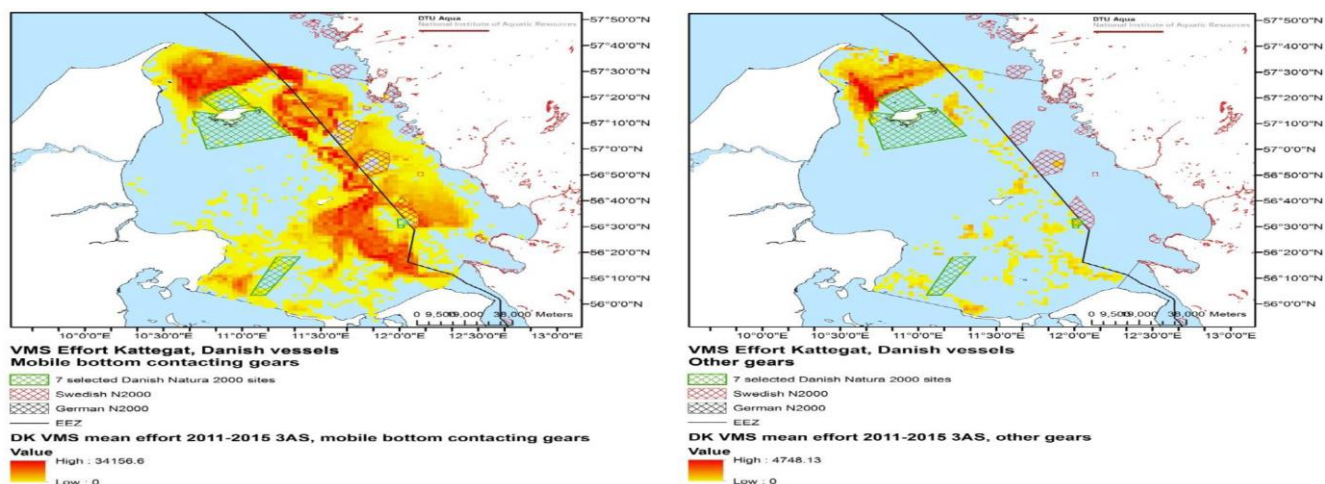


Figure 4. Distribution of Danish fishing VMS effort (number of VMS recordings * vessel kW) by gear group given as an average for the period 2011-2014 in the Kattegat.

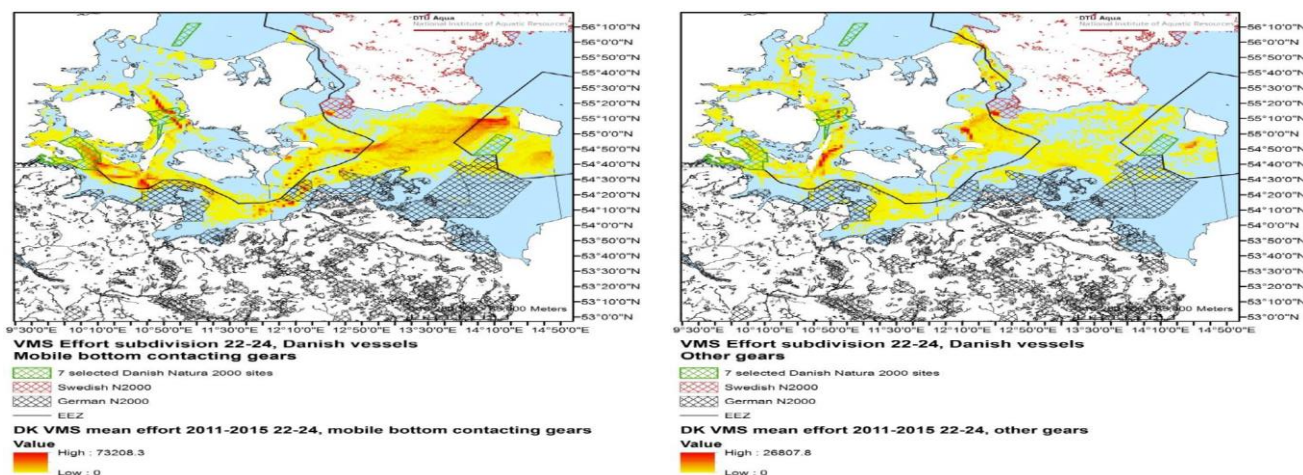


Figure 5. Distribution of Danish fishing VMS effort (number of VMS recordings * vessel kW) by gear group given as an average for the period 2011-2014 in the western Baltic Sea.

STECF continues to underline that the effectiveness of the measures will strongly depend on effective implementation. Control and enforcement of fishery management measures in marine Natura 2000 sites in Denmark is currently based on the VMS and risk-based systems coordinated by the Fishery Monitoring Centre (FMC). The centre is alerted if and when Danish vessels enters a control area of 4 nautical miles placed around the Natura 2000 sites for which fisheries management measures have been implemented. The submitted report states that, with the current low level of fishing activity in these areas no additional control and enforcement measures are required. STECF notes that the proposal does not indicate how the activities of German and Swedish vessels will be monitored or how control and enforcement activities will be extended to such vessels. The proposed control, enforcement and monitoring activities also do not take into account potential fishing activities of vessels from Estonia, Poland, Lithuania, Latvia and Finland. However, Denmark will reassess the need for additional technical control and monitoring equipment 18 months after implementation of the measures. STECF notes again that small vessels not equipped with VMS will not be detected by the current control system. Furthermore, since the control areas are small, VMS vessels could enter the sites in the time period between two VMS pings, currently set at frequency of two hours (Control Regulation EC 1224/2009).

Therefore, STECF restates that the control and enforcement aspect of the proposed management measure should be reviewed, including an assessment of the current VMS ping frequency. Furthermore, the use of other control systems should be investigated in the three Natura 2000 sites where the fishing ban extends to passive gears (often used by small boats which are not equipped with VMS) due to the presence of fragile bubbling reefs.

STECF notes that over the 97 Danish Natura 2000 sites, a total of 65 sites have been designated for reef structures, of which 45 sites are located in Kattegat and Baltic Sea (habitat codes H1170 and H1180). Existing regulation already protects reef structures from fishery activity in 20 of the 45 sites. The current proposal covers an additional seven other sites, and specifies that the remaining 18 sites will be protected at a later stage. Thus, it has to be considered a step forwards in the implementation of the Habitat Directive. STECF also notes that the Danish marine Natura 2000 network covers approximately 18% of Denmark's marine waters. According to the proposal it has been recognized by the Commission as sufficient area to ensure a representative network of marine habitats and species.

STECF however notes that according to the list of designated habitat types and species in Danish Natura 2000 sites presented in the proposal, the Natura 2000 sites considered have also been designated to protect harbour porpoise (site DK00VA250), grey / harbour seals (sites DK00FX010 and DK 00FX257), sandbanks (all sites), mudflats (sites DK00FX010 and DK 00FX257), lagoons (SITE dk00fx010) and several bird species (sites DK00FX010 and DK 00FX257). As was the case in the first plan period (2010-2015), the current proposal focusses on the protection of reef structures. Although it appears to have been the intention to give special focus on other marine habitats and species during the second plan period commencing in 2016, no such measures are included. STECF observes that the present conservation status / trends of harbour porpoise, grey seals, harbour seals, sandbanks, mudflats and lagoons, is 'unfavourable', and that the population trends of common tern, common eider, and velvet scoter are 'decreasing' at several of the Natura 2000 sites.

STECF conclusions

1. Regarding ToR 1, STECF concludes that the proposed conservation measures, which relates to 7 Danish Natura 2000 sites where reefs are present, is a step forwards to minimise the negative impacts of fishing activities on the reef habitats and ensure that fisheries activities avoid the degradation of the marine environment as stipulated under Article 2(3) of Regulation 1380/2013.
2. Regarding ToR 2, STECF concludes that the proposed measures contribute towards ensuring that the habitats of community interest addressed in the recommendation are maintained and restored at favourable conservation status inside the delineated areas as stipulated under Article 2 of Directive 92/43/EEC. However, STECF notes that in one area the proposed boundaries of the no-take zones are positioned very close to the reefs and in some cases do not encompass a buffer zone defined in accordance with ICES Guidelines. STECF further notes that additional measures are required to ensure protection of harbour porpoise (site DK00VA250), grey / harbour seals (sites DK00FX010 and DK 00FX257), sandbanks (all sites), mudflats (sites DK00FX010 and DK 00FX257), lagoons (site DK00FX010) and several bird species (sites DK00FX010 and DK 00FX257).
3. Regarding ToR 3, STECF notes that current catch inside the Natura 2000 sites under consideration seems to be limited. Nevertheless, fishing activity is present especially by mobile demersal gears in one area, above or in the vicinity of stone reefs. Fishing activities may also impact the other habitats and species for which the Natura 2000 sites have been declared, and thus influence conservation status which is already unfavourable for several

habitats and species at several of the declared sites. Thus, STECF considers that the conservation objectives within the special areas referred to in the joint recommendation cannot be fully achieved without appropriate measures to prevent fishing activity in the areas. STECF identifies some issues regarding the controllability of the sites. STECF considers that for effective implementation of the measures, the Danish control system that alerts authorities when vessels enter the control area should be extended to all fishing vessels equipped with VMS operating in proximity to the areas (including fishing vessels from other Member States operating in the area). Furthermore, STECF considers that additional measures may be appropriate for fishing vessels without VMS systems (e.g. <12m). These measures should be introduced at the same time as the implementation of the closed areas.

References

ICES Advice, 2013 - Evaluation of the appropriateness of buffer zones. Book, 1.5.5.2. Special request.

STECF. 2015. 48th Plenary Meeting Report (PLEN-15-01). 2015. Publications Office of the European Union, Luxembourg, JRC, 75 pp.

Contact details of STECF members

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Name	Address ¹	Tel.	Email
STECF members			
Abella, J. Alvaro	Independent consultant	Tel. 0039-3384989821	aabellafisheries@gmail.com
Andersen, Jesper Levring	Department of Food and Resource Economics (IFRO) Section for Environment and Natural Resources University of Copenhagen Rolighedsvej 25 1958 Frederiksberg Denmark	Tel.dir.: +45 35 33 68 92	jla@ifro.ku.dk
Arrizabalaga, Haritz	AZTI / Unidad de Investigación Marina, Herrera kaia portualdea z/g 20110 Pasaia (Gipuzkoa), Spain	Tel.: +34667174477	harri@azti.es

Name	Address ¹	Tel.	Email
STECF members			
Bailey, Nicholas	Marine Scotland Science, Marine Laboratory, P.O Box 101 375 Victoria Road, Torry Aberdeen AB11 9DB UK	Tel: +44 (0)1224 876544 Direct: +44 (0)1224 295398 Fax: +44 (0)1224 295511	baileyn@marlab.ac.uk n.bailey@marlab.ac.uk
Bertignac, Michel	Laboratoire de Biologie Halieutique IFREMER Centre de Brest BP 70 - 29280 Plouzane, France	tel : +33 (0)2 98 22 45 25 - fax : +33 (0)2 98 22 46 53	michel.bertignac@ifremer.fr
Borges, Lisa	FishFix, Brussels, Belgium		info@fishfix.eu
Cardinale, Massimiliano (vice-chair)	Föreningsgatan 45, 330 Lysekil, Sweden	Tel: +46 523 18750	massimiliano.cardinale@slu.se
Catchpole, Thomas	CEFAS Lowestoft Laboratory, Pakefield Road, Lowestoft Suffolk, UK NR33 0HT		thomas.catchpole@cefas.co.uk
Curtis, Hazel	Sea Fish Industry Authority 18 Logie Mill Logie Green Road Edinburgh EH7 4HS, U.K.	Tel: +44 (0)131 524 8664 Fax: +44 (0)131 558 1442	Hazel.curtis@seafish.co.uk
Daskalov, Georgi	Laboratory of Marine Ecology, Institute of Biodiversity and Ecosystem Research, Bulgarian Academy of Sciences	Tel.: +359 52 646892	Georgi.daskalov@gmail.com
Döring, Ralf (vice-chair)	Thünen Bundesforschungsinstitut, für Ländliche Räume, Wald und Fischerei, Institut für Seefischerei - AG Fischereiökonomie, Palmaille 9, D-22767 Hamburg, Germany	Tel.: 040 38905- 185 Fax.: 040 38905- 263	ralf.doering@thuenen.de
Gascuel, Didier	AGROCAMPUS OUEST 65 Route de Saint Brieuc, CS 84215, F-35042 RENNES Cedex France	Tel: +33(0)2.23.48 .55.34 Fax: +33(0)2.23.48.55. 35	Didier.Gascuel@agrocampus-ouest.fr
Knittweis, Leyla	Department of Biology University of Malta Msida, MSD 2080 Malta		Leyla.knittweis@um.edu.mt
Malvarosa, Loretta	NISEA S.c.a.r.l.		malvarosa@nisea.eu

Name	Address ¹	Tel.	Email
STECF members			
Martin, Paloma	CSIC Instituto de Ciencias del Mar Passeig Marítim, 37-49 08003 Barcelona Spain	Tel: 4.93.2309500 Fax: 34.93.2309555	paloma@icm.csic.es
Motova, Arina	Sea Fish Industry Authority 18 Logie Mill Logie Green Road Edinburgh EH7 4HS, U.K	Tel.: +44 131 524 8662	arina.motova@seafish.co.uk
Murua, Hilario	AZTI / Unidad de Investigación Marina, Herrera kaia portualdea z/g 20110 Pasaia (Gipuzkoa), Spain	Tel: 0034 667174433 Fax: 94 6572555	hmurua@azti.es
Nord, Jenny	The Swedish Agency of Marine and Water Management (SwAM)	Tel. 0046 76 140 140 3	Jenny.nord@havochvatten.se
Pastors, Martin	Pelagic Freezer-trawler Association, Louis Braillelaan 80, 2719 EK Zoetermeer, The Netherlands		mpastors@pelagicfish.eu
Paulrud, Anton	Swedish Agency of Marine and Water Management	Tel.: +46 106986292	Anton.paulrud@hochvatten.se
Prellezo, Raúl	AZTI -Unidad de Investigación Marina Txatxarramendi Ugarte a z/g 48395 Sukarrieta (Bizkaia), Spain	Tel: +34 667174368	rprellezo@azti.es
Raid, Tiit	Estonian Marine Institute, University of Tartu, Mäealuse 14, Tallin, EE-126, Estonia	Tel.: +372 58339340 Fax: +372 6718900	Tiit.raid@gmail.com
Sabatella, Evelina Carmen	NISEA, Via Irno, 11, 84135 Salerno, Italy	TEL.: +39 089795775	e.sabatella@nisea.eu
Sala, Antonello	Italian National Research Council (CNR) Institute of Marine Sciences (ISMAR), Largo Fiera della Pesca, 1 60125 Ancona - Italy	Tel: +39 071 2078841 Fax: +39 071 55313 Mob.: +39 3283070446	a.sala@ismar.cnr.it

Name	Address ¹	Tel.	Email
STECF members			
Scarcella, Giuseppe	1) Italian National Research Council (CNR), Institute of Marine Sciences (ISMAR) - Fisheries Section, Largo Fiera della Pesca, 1, 60125 Ancona - Italy 2) AP Marine Environmental Consultancy Ltd, 2, ACROPOLEOS ST. AGLANJIA, P.O.BOX 26728 1647 Nicosia, Cyprus	Tel: +39 071 2078846 Fax: +39 071 55313 Tel.: +357 99664694	g.scarcella@ismar.cnr.it gscarcella@apmarine.com.cy
Soldo, Alen	Department of Marine Studies, University of Split, Livanjska 5, 21000 Split, Croatia	Tel.: +385914433906	soldo@unist.hr
Somarakis, Stylianos	Institute of Marine Biological Resources and Inland Waters (IMBRIW), Hellenic Centre of Marine Research (HCMR), Thalassocosmos Gournes, P.O. Box 2214, Heraklion 71003, Crete, Greece	Tel.: +30 2810 337832 Fax +30 6936566764	somarak@hcmr.gr
Stransky, Christoph	Thünen Institute [TI-SF] Federal Research Institute for Rural Areas, Forestry and Fisheries, Institute of Sea Fisheries, Palmallee 9, D-22767 Hamburg, Germany	Tel. +49 40 38905-228 Fax: +49 40 38905-263	christoph.stransky@thuenen.de
Ulrich, Clara (chair)	Technical University of Denmark, National Institute of Aquatic Resources, (DTU Aqua), Charlottenlund Slot, JægersborgAllé 1, 2920 Charlottenlund, Denmark		clu@aqu.dtu.dk
van Hoof, Luc	IMARES, Haringkade 1, IJmuiden, The Netherlands	Tel.: +31 61061991	Luc.vanhoof@wur.nl
Vanhee, Willy	Independent consultant		wvanhee@telenet.be
Vrgoc, Nedo	Institute of Oceanography and Fisheries, Split, Setaliste Ivana Mestrovica 63, 21000 Split, Croatia	Tel.: +385 21408002	vrgoc@izor.hr

Authors:

STECF members:

Ulrich, C., Abella, J. A., Andersen, J., Arrizabalaga, H., Bailey, N., Bertignac, M., Borges, L., Cardinale, M., Catchpole, T., Curtis, H., Daskalov, G., Döring, R., Gascuel, D., Knittweis, L., Malvarosa, L., Martin, P., Motova, A., Murua, H., Nord, J., Pastoors, M., Paulrud, A., Prellezo, R., Raid, T., Sabatella, E., Sala, A., Scarcella, G., Soldo, A., Somarakis, S., Stransky, C., van Hoof, L., Vanhee, W., Vrgoc, Nedo.

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STECF

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